

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE	JURY	DOCKET
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PLAINTIFFS

LARRY DON ROSE

DEFENDANTS

~~CHEMICAL EXPRESS CO.~~ *amended 5-3-76*  
CHEMICAL EXPRESS CARRIERS, INC.

~~TRANSPORTATION EMPLOYEES~~  
~~ASSOCIATION, affiliated w/District~~  
~~2, Meba, AFL-CIO,~~

~~necessary~~ pty

CAUSE

TITLE VII of Civil Rights Act of 1964 (sec. 2000e-5 of T. 42 U.S.C.)

ATTORNEYS

pro se  
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Tulsa, OK 74107

584-0770

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Tulsa, Oklahoma 74103  
Tel. 583-8156

~~Nathan G. Graham~~  
~~Phil Frazier (Trans. Employees Assoc)~~  
~~1424 Terrace Drive~~  
~~Tulsa, OK 74104~~  
~~939-2445~~

~~Joel C. Glanstein (Trans. Emp. Assoc)~~  
~~50 Broadway, Suite 3100~~  
~~New York, NY 943-6148~~

☒ CHECK  
HERE  
IF CASE WAS  
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FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD 3-1-76 DATE MAILED

JS-5

JS-6

9-1-79

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## PROCEEDINGS

DATE	NR.	
1976		
2-6	1	Application for leave to file action under Title VII of the Civil Rights Act of 1964 (sec. 2000e-5 of T. 42 U.S.C.) without payment of fees, costs or security and for the appointment of counsel, filed, with Order granting leave to proceed without payment of fees (AEB-J)g
2-6	2	Affidavit of financial status, filed. g
2-9	3	Order denying application for appointment of counsel, filed. (AEB-J)g
4-26	4	Complaint Filed., Summons Issued.t
5-3	5	Amended Compl., filed.t Summons Issued.
5-10		U.S. Marshals Service Compl. returned; unserved, Return unexecuted per authority of Atty as to Chemical Express Carrier, filed.t
5-10		Summons ret. & filed: served Transportation Employees Assn., Brooklyn, N.Y. on 5-5-76. (USM \$5.44)g
5-24	6.	Deft's. special appearance and motion to dismiss action for lack of jurisdiction and insufficiency of service of process filed by defendant Chemical Express Carriers, Inc. s
5-24	7	Brief in support of defendant Chemical Express Carriers, Inc.'s motion to dismiss, filed.s
5-24	MO	It is ordered by the Court that the pltf. is granted 10 days to respond to def. Chemical Express Carriers, Inc.'s motion to dismiss. (AEB-J)s cps. mld.
5-25		US Marshal Service, Sum. & com, Return and Filed; served Chemical Express Carriers, Inc. by serving The Corp. Co., Reg. Agent., 735 First Natl. Bldg., Okla. City, Okla on 5-17-76; served Transp. Employees Assn., 652 Fourth Avenue, Brooklyn, New York, Mr. R. McKay, Pres. on 5-10-76. (\$9.44)s
6-4	8.	Response by Pltf. to Deft.'s Mot. to Dismiss for lack of jurisdiction & insufficiency of service of process, filed. v
6-4	MO	Case referred to Mag. Morris L. Bradford for findings and recommendations on deft. Chemical's mot. to dismiss and the response thereto. (AEB -J)k
6-10	9.	Motion for additional time to plead or answer of Transportation Employees Association, filed.s
6-11	10	Order, filed, granting deft. Transportation Employees Assoc. until 6-25-76 to plead or answer. (AEB-J)k cps mld
6-14	11	Answer, filed, in behalf of Transportation Employees Association.s
9-28	MO	Case set for hearing before Magistrate on Deft. Chemical Express Carriers, Inc.'s Special Appearance and Mot. to Dismiss on 10-14-76 at 2:30 P.M. (MLB-Mag)s ntc by KT
10-14		Case called for hearing before Mag. Bradford on Deft's Chemical Express Carriers, Inc.'s Appearance & motion to dismiss for lack of jurisdiction & insufficiency of service of process. Deft's motion sustained & Deft. to file F&R & prepare 10 days order. (MLB-Mag) b
10-18	12	Findings and recommendations of magistrate, filed.s (MLB-Mag) cps. mld O to J
10-28	13.	Obj. by pltf to findings & recommendations of Mag., filed. lm
10-28	14.	Appli. for ext. of time (10 days) to file brief in support of obj. to F&R of Mag., filed.lm (o to J)

PLAINTIFF	DEFENDANT	DOCKET NO. _____
LARRY DON ROSE	CHEMICAL EXPRESS CARRIERS, INC.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1976		
10-28	15	Order, filed, granting pltf. until 11-7-76 to file brief in support of F&R of Mag.s cps. mld.
11-9	16.	Pltf's brief in support of obj. to Mag. F&R, filed.k
11-9	MO:	It is ordered by the Court that the defts. file a responsive brief w/in ten days to pltf's objection to F&R of Mag. filed 10-28-76 & brief in support fld. 11-9-76. (AEB-J)k cps mld
11-18	17.	Deft. Chemical Express Carriers' brief in support of Mag. F&R
11-18	18.	Deft. Transportation Employees Assn., Dist. 2, MEBA, AFL-CIO's response brief to Pltf's brief in support of objection to Findings and recommendations of magistrate, filed.s
1977 2-10	19.	Deft's supplemental brf. in support of objections to F&R of Magistrate, filed.s
2-17	20	Deft. supplemental brief in support of the findings & recommendations of magistrate, filed. ho
3-7	21	Order, fld & entered, ordered that mot to dismiss fld by deft. Chemical Express Carriers, Inc. is sustained as to the Sec 2000e action. It is ordered that the 3 year limitation period provided by the Okla. Statutes applies to the action alleged by pltf's , and that cause of action remains at the present time for litigation. (AEB-J) cps mld ho
3-10	22.	Motion of Deft. Transportation Employees Association, to Dismiss, fld. Adopted are the mot. & brief of deft. Chemical Express Carriers, to dismiss. v (o)
3-11	MO	It is ordered by the Court that the pltf. is granted 10 days to respond to the mot. of deft. Trans. Emp. Assoc. to dismiss. (AEB-J)k cps mld
3-16	23	Pltf appl for ext of time to reply to necessary partys mot to dismiss. fld. O to J. ho
3-16	24	Order fld. granting pltf. an ext of time until 3-26-77 to reply to the necessary partys mot to dismiss. (AEB-J) cps mld. ho
3-17	25	Answer of Chemical Express Carriers, Inc. fld ho
4-1	26.	Pltf's response to mot. to dismiss of deft. Transportation Emp. Assoc. filed.k
5-11	27.	Order, filed, that the mot. to dismiss filed by deft. Trans. Empl. Assoc. be sustained insofar as it relates to any claim by pltf. under §2000e of the Civil Rights Act. Further ordered that mot. to dismiss as it pertains to §1981 action be overruled. (AEB-J)k cps mld
7-15	28.	Pltf's First Interrogatories, filed.jj
8-12	29	Deft. ans. to interrog. of Pltf. w/obj. to certain interrog. of Pltf. and mot. for protective order, with brief in supp. of objs. & mot. fld. ho
8-12	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Deft. mot. for protective order, (AEB-J) cps mld. ho
9-6	30	Pltf. response to Defts. mot. for protective order. fld. ho
9-19	Depo.	Deposition of Larry Don Rose taken on behalf of Deft. & Necessary Party on 8-23-77 before Evelyn E. Rutherford, CSR, w/costs of \$249.00, fld. v

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
9-19	31	Protective order, fld., It is ordered that Defts. mot. for protective order as to interrog. #'s 1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,45,46,47,50, & 51 is sustained & Deft. is not required to ans. said interrog. (AEB-J) cps mld. ho	
10-11	32	Necessary Party mot. for S/J in accordance with rule 56(b) and (c), FRCP, w/affid. of Jerome Joseph. fld. ho	
10-11	33	Necessary party brief in supp. of mot. for S/J. fld. ho	
10-11	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Necessary Party mot. for S/J. (AEB-J) cps mld. ho	
11-9	34	Pltf. response to necessary partys mot. for S/J. fld. ho	
11-11	35.	Order, filed & entered, sustaining deft. Trans. Employees Assoc.'s mot. for S/J. Ordered that pltf. taken nothing by his suit, individually or as class representative, against deft. Trans. Emp. Assoc. and his compl. against same is dismissed w/out cost to said party. (AEB-J)k cps mld	
12-13	MO	Parties are directed to hold pre-trial conf. on or before 1-24-78 & file pre-trial order on or before 1-31-78. (AEB-J)k cps mld	
1978			
2-13	36.	Deft's appl. for 45 days from 2-10-78 to file a mot. for S/J and to complete pre-trial requirements, filed.k	
2-13	MO	The Court has for consideration deft's request for ext. of time w/in which to complete discovery, submit pre-trial order & for continuance of scheduled pre-trial conf., & being advised that the parties, by agreement, request an additl. 45 days from 2-10-78 to file a mot. for S/J and complete pre-trial requirements, finds that said request should be granted. IT IS SO ORDERED. (AEB-J)k cps of orig. order mld to movant	
3-27	37	Deft. appl. for ext. of time to complete PT preparations & file a mot. for S/J. fld. ho O to J.	
3-28	38.	Order, filed, granting deft. Chemical Express 30 days to file its Mot. for S/J and to complete pre-trial preparations. (AEB-J)k cps mld to movant	
4-25	39	Deft. Chemical Express mot. for S/J, fld. ho	
4-25	40	Deft. Chemical Express brief in supp. of mot. for S/J. fld. ho	
4-25	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Deft. Chemical Express mot. for S/J. (AEB-J) ho c/m	
5-10	41	Pltf's appl. for ext. until 5-23-78 to respond to deft. Chemical's mot. for S/J, filed.k O to J	
5-11	MO	Pltf. is granted until 5-23-78 to respond to deft. Chemical's mot. for S/J. (AEB-J)k cps of orig. order mld to movant	
6-8	MO	Case set for disposition before Mag. Robert Rizly on 6-22-78 at 9:30 a.m. for failure of pltf. to respond to deft's mot. for S/J. (RSR-Mag)k ntc mld	
6-22		Case called for disposition for failure of Pltf. to respond to defts' motion for S/J. Parties pres. Pltf. co. reports difficulty in making contact with pltf. & requests few more days. Mag. passes hearing to July 5, 1978, at 9:30 A.M. (RSR-Mag)b	

## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1978			
7-5	42	Pltf. response to Deft. Chem. Exp. Carriers mot. for S/J, w/affid. of Walden Silva, fld. ho	
7-5		Case called for disposition for failure of Pltf. to respond to Defts motion for S/J. Parties pres. Leave is granted to Pltf. to file response to deft's motion forthwith. (RSR-Mag) b	
8-9	MO	Case referred to Mag. Robert Rizley pursuant to Order M-128. (AEB-J)k	
9-5	MO:	Case set for hearing before Mag. on deft's motion for S/J on 9-18-78, at 11:00 A.M. (RSR-Mag) b nts by KT	
9-18	Min	Case called for hrg. before Mag. on deft's mot. for S/J. Parties represented. Mag. recommends that mot. be sustained & deft. counsel to prepare F&R and proposed order w/in 10 days. (RSR-Mag)k	
10-27	43	Finding & recommendations of Mag., fld. Mag. recommends that the mot. for S/J of the Deft. Chemical Express Carriers, Inc. be granted & the amended compl. be dismissed. (RSR-Mag)ho c/m	
11-6	44	Pltf's objection to F&R of the Mag., filed.k	
11-6	45	Pltf's appl. for 20 days to file brief in support of obj. to F&R, filed.k	
11-9	46	Order, filed, granting pltf. until 11-26-78 to file brief in support of objections to F&R of the Mag. (AEB-J)k cps mld to movant	
1979			
1-8	47	Pltf's appl. to file brief in support of objs. to F&R of the Mag. out of time, filed.k O to J	
1-10	48	Order, filed, granting pltf. leave to file brief in support of objs. to F&R of the Mag. out of time. (AEB-J)k cps mld to movant	
1-10	49	Pltf's brief in support of objs. to F&R of the Mag., filed.k cpy to pltf.	
1-10	50	Deft's brief in support of F&R of the Mag. and in response to pltf's brief objecting thereto, filed.k	
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
3-27	51	Order, fld, that deft's mot/Summary Judgement be OVERRULED and that the objections of pltf to F&R of the Magistrate are hereby SUSTAINED; further ordered that parties are given 10 days to prepare & submit to Court an agreed dismissal of class allegations as stated in Resp. fld by pltf on 9-6-77/(HDC-J)ra cps mld;cp to Mag.	
4-4	52	Joint appl. for agreed dismissal of class action, filed.k O to J	
4-4-79	53	Order of Dismissal of class action allegations, filed & entered. (HDC-J)b cps mld	
6-6	MO:	PT HRG set 6-15-79, 11:00 A.M.; disc to be completed by 6-13-79; PT memo or order due 6-14-79 (HDC-J)b nts mld	
6-14	54	APPL. by pltf. to strike 6-15-79 PT hrg. at 11:00 a.m.k (O)	

## CIVIL DOCKET CONTINUATION SHEET

**B** COOK

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-46
ROSE		CHEMICAL EXPRESS CARRIERS INC.	PAGE 6 OF 3 PAGES
DATE	NR.	PROCEEDINGS	
1979			
6-14	55	ORDER striking 6-15-79 PT hrg. set at 11:00 a.m. To be reset in 60 days. (HDC-J)k cps/mvt	
7-10	MO:	PT HRG set 9-28-79, 12:30 P.M. Disc. to be completed by 9-18-79; PTO or Memo due 9-21-79. (HDC-J)b nts mld	
8-30	56	JOINT APPLICATION for dismissal w/prejudice.ra (0)	
8-31	57	ORDER of dismissal with prejudice. Entered. (HDC-J)k cps mld	
1980			
8-5	--	DEPOSITION of Larry Don Rose returned to deft. counsel. hm	